

Appl. No.: 10/715,187
Amdt. dated August 3, 2009
Reply to Office Action of April 1, 2009

REMARKS

This response is submitted along with a request for a one month extension and appropriate fee in reply to the outstanding Office Action dated April 1, 2009. Claims 1-47 currently stand rejected.

Applicants have amended independent claims 1, 20, 22, 26, 32, and 37 for clarity. Claims 12 and 34 have been amended to cure objections. Claims 4, 5 and 25 have been amended to change their dependencies and claims 40, 41 and 47 have been amended to correspond to changes in their respective independent claims. No new matter has been added by the amendment. Claims 2, 23, 24, 38 and 39 have been canceled, without prejudice.

In light of the amendments and the remarks presented below, Applicants respectfully request reconsideration and allowance of all now-pending claims of the present invention.

Claim Objections

Claims 12, 34 and 39 drew objection for informalities based on improper antecedent basis. Applicants have amended claims 12 and 34 to incorporate the Examiner's recommendations and Applicants therefore request withdrawal of these objections. Claim 39 was canceled and thus the objection to claim 39 is now moot.

Claim Rejections - 35 USC §102

Claims 1, 2, 6-17, 20-22, 26-33, 37 and 40-47 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Vronay et al. (U.S. Patent Application Publication No. 2003/0156138, hereinafter "Vronay"). Applicants respectfully traverse. However, the rejection of claim 2 is now moot due to the cancellation of claim 2.

Applicants pointed out in the response preceding the present reply that Vronay failed to teach or suggest receiving manual entry of events and generating a calendar view that represents time in calendar format and visually associates events with respective periods of time as recited in independent claim 1, alone or in combination with a previously cited reference. In particular,

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Applicants pointed out that the “events” discussed in Vronay are not manually created events, but instead “the calendar-based interface system . . . utilizes a calendar as a dynamic application that does not require direct user input . . .” (see paragraph [0007] of Vronay). In spite of Applicants arguments, the present Office Action cites Vronay alone as anticipating the claimed invention. Applicants respectfully submit that Vronay fails to anticipate the claimed invention for the reasons provided below.

In this regard, in the “Response to Arguments” section (particularly at page 23), the Office Action provides examples of Vronay’s disclosure in an effort to illustrate how, contrary to the above quoted passage from paragraph [0007] Vronay is open to a reasonable interpretation that would not preclude events from being manually created. However, Applicants respectfully submit that the fact that, with respect to the disclosure of a particular reference, an action is not precluded does not mean that the corresponding action is expressly or inherently taught in the reference. Instead, the fact that an action is not precluded merely creates the possibility that the corresponding action could be employed.

Meanwhile, the standard for insinuating that a reference anticipates a claim requires that the reference expressly or inherently discloses that which is claimed. In this regard, as stated in MPEP 2131, citing the patent laws, “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicants respectfully submit that the Office Action’s assertion that the calendar of Vronay is not precluded from “receiving manual entry of events” fails to even allege that the corresponding feature is expressly or inherently described in Vronay. As stated at MPEP 2112, section IV, the “fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic.” *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993). Additionally, in order to establish inherency, extrinsic evidence “must make clear that the missing descriptive matter is necessarily present in the thing described in the reference”. “Inherency, however, may not be established by probabilities or possibilities.” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d

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1949, 1950-1951 (Fed. Cir. 1999).

In the present case, Applicants respectfully submit that no rationale or evidence showing inherency in relation to the assertion that Vronay discloses "receiving manual entry of events" has been provided and, therefore, any rejection of independent claim 1 (or independent claims 20, 22, 26, 32, and 37) based on inherency would be improper. Thus, each and every feature of independent claims 1, 20, 22, 26, 32 and 37 is not taught in Vronay, either expressly or inherently, and the Office Action fails to allege as much. Accordingly, the rejections of independent claims 1, 20, 22, 26, 32 and 37 are traversed and are also improper on their face.

Claims 6-17, 21, 27-31, 33 and 40-47 depend either directly or indirectly from corresponding ones of independent claims 1, 20, 22, 26, 32 and 37, and therefore include all the recitations or their corresponding independent claims. Dependent claims 6-17, 21, 27-31, 33 and 40-47 are therefore patentable over Vronay for at least the same reasons given above for independent claims 1, 20, 22, 26, 32 and 37.

Claim Rejections - 35 USC §103

Claims 3-5, 18, 19, 23, 24, 34-36, 38 and 39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Vronay in view of Adcock et al. (U.S. Patent Application Publication No. 2004/0125150, hereinafter "Adcock"). However, the rejection of claims 23, 24, 38 and 39 are now moot due to the cancellation of these claims.

Despite the fact that Vronay fails to teach or suggest the above recited feature of receiving manual entry of events and generating a calendar view that represents time in calendar format and visually associates events with respective periods of time, Applicants have amended independent claims 1, 20, 22, 26, 32 and 37 to recite yet further distinguishing features over Vronay and Adcock in order to advance prosecution. In this regard, for example, independent claim 20 has been amended to recite, *inter alia*, the media view being generated in a timeline view that combines the media view with a calendar view such that multiple media file representations are enabled to be displayed in a corresponding period of time segment of the timeline view along with a text identification of an event associated with the multiple media file

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representations, the calendar view including at least one manually entered past event and at least one manually entered event scheduled at a future time. Independent claims 1, 22, 26, 32 and 37 include similar recitations. As such, both the media view and the calendar view are presented in the same timeline view. Moreover, multiple media file representations can be presented in a time segment of the timeline view along with an identification of the event associated with the media file representations. Furthermore, Applicants have clarified that the calendar view includes both manually entered future and past events.

Vronay is directed to a calendar-based interface system that associates computer-related events, and other events, based upon when they occur. The calendar user interface system utilizes a calendar as a top-level user interface for accessing computer information. The calendar-based interface system utilizes system-wide monitoring of the user and associations between various computer files, people, and other information related to the user. This allows a user to view and assign searchable metadata (e.g., metadata relating to associated dates) and to retrieve computer information that matches selected metadata. See Abstract. However, as indicated above, the "events" discussed in Vronay are not manually created events, but instead "the calendar-based interface system . . . utilizes a calendar as a dynamic application that does not require direct user input . . ." as described in paragraph [0007]. Paragraph [0005] of Vronay states that the "system of the present invention automatically associates and tracks time-related events, user computer activities, and information related to when the user works with documents, etc. on the computer." As such, Vronay does not contemplate "manual entry of events" in addition to the automatic association of events, computer activities, and information related to document use. Moreover, Vronay does not disclose the provision of at least one manually entered past event and at least one manually entered event scheduled at a future time as provided by independent claims 1, 20, 22, 26, 32 and 37.

The calendar views of Vronay (e.g., FIGS. 2, 3 and 4) merely illustrate calendar dates with annotations thereon. The annotations are disclosed as potentially corresponding to past or future events, but are not disclosed as corresponding to the provision of at least one manually entered past event and at least one manually entered event scheduled at a future time as provided

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independent claims 1, 20, 22, 26, 32 and 37. The annotations are also said to potentially indicate weather on given days, indicate events on given days, or images or composite images such as a collage of photos taken on a given day (see paragraph [0039] of Vronay). However, even in the instance where Vronay provides a collage of images taken on a given day, Vronay fails to provide any teaching or suggestion that such collage of images includes multiple media file representations that are enabled to be displayed in a corresponding period of time segment of the timeline view along with a text identification of an event associated with the multiple media file representations as provided in independent claims 1, 20, 22, 26, 32 and 37. In this regard, the events indicated on the calendar of Vronay are all icons or images without any text identification of an event associated with the collage.

Adcock displays calendar views with the potential for displaying multiple graphical objects on a single date (e.g., objects 115a, 115b and 115c of FIG. 1). However, whether one or multiple graphical objects are displayed for a given date, the only text description associated with the graphical objects that is available is provided via a pop-up window 713 of FIG. 7. Thus, Adcock never provides any text identification of events associated with multiple media file representations displayed in a corresponding period of time segment of the timeline view as provided in independent claims 1, 20, 22, 26, 32 and 37. Furthermore, the events of Adcock are all past events. Accordingly, Adcock also fails to teach or suggest the media view being generated in a timeline view that combines the media view with a calendar view such that multiple media file representations are enabled to be displayed in a corresponding period of time segment of the timeline view along with a text identification of an event associated with the multiple media file representations, the calendar view including at least one manually entered past event and at least one manually entered event scheduled at a future time as provided in independent claims 1, 20, 22, 26, 32 and 37.

Since both Vronay and Adcock fail to teach or suggest the above described features of independent claims 1, 20, 22, 26, 32 and 37, any combination of Vronay and Adcock also fails to teach or suggest such features. Accordingly, independent claims 1, 20, 22, 26, 32 and 37 are patentable over Vronay and Adcock, alone or in combination. Claims 3-5, 18, 19 and 34-36

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depend either directly or indirectly from corresponding ones of independent claims 1, 20, 22, 26, 32 and 37, and therefore include all the recitations or their corresponding independent claims. Dependent claims 3-5, 18, 19 and 34-36 are therefore patentable over Vronay and Adcock, alone or in combination, for at least the same reasons given above for independent claims 1, 20, 22, 26, 32 and 37.

For all the reasons provided above, Applicants respectfully submit that the rejections of claims 1, 3-22, 25-37 and 40-47 are overcome.

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CONCLUSION

In view of the claim amendments and remarks presented above, it is respectfully submitted that all of the claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

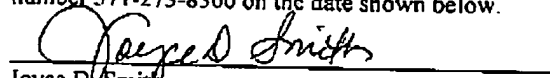


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